BILL NO. Z-79-11-20 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-22-80

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-42.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. K-42, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

PARCEL #5

Commencing at the northwest corner of Lot #7 in Dreyer's Subdivision which is also the intersection of the north line of said Lot #7 and the east right-of-way line of State Road #3; thence easterly along the north line of Lot #7 as now established a distance of 410.9 feet, more or less, to the point of beginning; thence south with a deflection angle to the right of 90 degrees a distance of 562.7 feet, more or less; thence east with a deflection angle to the left of 90 degrees a distance of 642 feet, more or less; thence north with a deflection angle to the left of 90 degrees a distance of 492.3 feet, more or less; thence west with a deflection angle to the left of 90 degrees a distance of 512.2 feet, more or less; thence north with a deflection angle to the right of 90 degrees a distance of 70.4 feet, more or less; to a point on the north line of Lot #7 in Dreyer's Subdivision the point also being the northeast corner of said Lot #7; thence west along the north line of Lot #7 in Dreyer's Subdivision a distance of 120 feet, more or less, to the point of beginning, containing 7.47 acres, more or less.

SECTION 2. That the area described as follows is hereby designated a B-4 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. K-42, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

PARCEL #1

Commencing at the northwest corner of Lot #7 in Dreyer's Subdivision which is also the intersection of the north line of said Lot #7 and the east

right-of-way line of State Road #3; thence southerly along the east right-of-way line of State Road #3 as now established a distance of 791.7 feet to the point of beginning; thence continuing in a southerly direction along the east right-of-way line of State Road #3 a distance of 180 feet, more or less; thence south with a deflection angle to the left of 33 degrees -55' a distance of 57.37 feet to a point on the north right-of-way line of Ludwig Road; thence east along the north right-of-way line of Ludwig Road a distance of 177 feet, more or less; thence north with a deflection angle to the left of 90 degrees,more or less, a distance of 218 feet, more or less; thence west with a deflection angle to the left of 90 degrees, more or less, a distance of 250 feet, more or less, to the point of beginning, containing 1.03 acres, more or less.

PARCEL #2

Commencing at the northwest corner of Lot #7 in Dreyer's Subdivision which is also the intersection of the north line of said Lot #7, and the east right-of-way line of State Road #3; thence southerly along the east right-of-way line of State Road #3 as now established a distance of 791.7 feet, more or less; thence east with a deflection angle to the left of 78 degrees, more or less, a distance of 250 feet, more or less; thence north with a deflection angle to the left of 90 degrees, more or less a distance of 762.8 feet, more or less, to a point on the north line of Lot #7 in Dreyer's Subdivision; thence west along the north line of Lot #7 in Dreyer's Subdivision a distance of 410.9 feet, more or less, to the point of beginning, containing 5.69 acres, more or less.

PARCEL #4

Commencing at the northwest corner of Lot #7 in Dreyer's Subdivision which is also the intersection of the north line of said Lot #7 and the east right-of-way line of State Road #3; thence southerly along the east right-of-way line of State Road #3 as now established a distance of 971.7 feet; thence south with a deflection angle to the left of 33 degrees -55' a distance of 57.37 feet to a point on the north right-of-way line of Ludwig Road; thence east along the north right-of-way line of Ludwig Road a distance of 177 feet, more or less; thence north with a deflection angle to the left of 90 degrees, more or less, a distance of 218 feet, more or less, to the point of beginning; thence east with a deflection angle to the right of 90 degrees, more or less, a distance of 492 feet, more or less; thence north with a deflection angle to the left of 90 degrees a distance of 200.1 feet, more or less; thence west with a deflection angle to the left of 90 degrees a distance of 492 feet, more or less; thence south with a deflection angle to the left of 90 degrees a distance of 200.1 feet, more or less, to the point of beginning, containing 2.26 acres, more or less.

SECTION 3. That the area described as follows is hereby designated a B-1-B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. K-42, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

PARCEL #3

Commencing at the northwest corner of Lot #7 in Dreyer's Subdivision which is also the intersection of the north line of said Lot #7 and the east right-of-way line of State Road #3; thence southerly along the east right-of-way line of State Road #3 as now established a distance of 971.7 feet; thence south with a deflection angle to the left of 33 degrees -55' feet a distance of 57.37 feet to a point on the north right-of-way line of Ludwig Road; thence east along the north right-of-way line of Ludwig Road a distance of 177 feet, more or less, to the point of beginning; thence north with a deflection angle to the left of 90 degrees, more or less, a distance of 218 feet, more or less; thence east with a deflection angle to the right of 90 degrees, more or less, a distance of 492 feet, more or less; thence south with a deflection angle to the right of 90 degrees a distance of 218 feet, more or less, to a point on the north right-of-way line of Ludwig Road; thence west along the north right-of-way line of Ludwig Road a distance of 492 feet, more or less, to the point of beginning, containing 2.46 acres, more or less.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

_____
Councilmember

APPROVED AS TO FORM
& LEGALITY

_____
John Hoffman
City Attorney

4693

BILL NO. Z-79-11-20

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-42.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M-1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. K-42, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

A part of the Southeast Quarter of the Northeast Quarter of Section 15, Township 31 North, Range 12 East, Allen County, Indiana, or more particularly described as follows:

Commencing at the Northwest corner of lot 7 in Dreyer's Subdivision which is also the intersection of the North line of said lot 7 and the East Right of Way line of State Road 3; Thence Southerly along the East Right of Way line of State Road 3 as now established a distance of 971.7 feet more or less to a point 377.6 feet South of the Northwest corner of a tract of land shown on a Survey of John R. Donovon dated March 8, 1978; Thence South with a deflection angle to the left of 33 -55' a distance of 57.37 feet; Thence with a deflection right of 50 -24'-30" a distance of 37.9 feet to the centerline of Ludwig Road; Thence East on the centerline of Ludwig Road a distance of 669.2 feet; Thence North with a deflection angle to the left 90 - 43' a distance of 448.1 feet to a point on the South line of tract 3 Dreyer's subdivision; Thence Easterly on the South line of said tract 3 a distance of 149.3 feet to an iron pin; Thence North 00 minutes East parallel to the East line of said tract 3 a distance of 492.3 feet to an iron pin on the North line of said tract 3; Thence North 89 -10' west 512.2 feet to a point on the east line of tract 7, Dreyer's Subdivision; Thence Northerly on the said east line of said tract 7 a distance of 70.4 feet to the North line of said tract 7; Thence Westerly on the North line of said Tract 7 a distance of 529.9 feet more or less to the point of beginning. Subject to easements and right of ways.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

APPROVED AS TO FORM & LEGALITY

William N. Salin, City Attorney

John Nuckols

Councilman

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ___ M.,E.S.T.

DATE: _____

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	6	1	0	1	
BURNS	X				
EISBART	X				
GiaQUINTA					
NUCKOLS	X				
SCHMIDT, D.	X				
SCHMIDT, V.				X	
SCHOMBURG	X				
STIER		X			
TALARICO	X				

DATE: 9-9-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE (RESOLUTION) No. Z-22-80 on the 9th day of September, 1980.

ATTEST:

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of September, 1980, at the hour of 11:30 o'clock A M.,E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 12th day of Sept. 1980, at the hour of 10 o'clock A M.,E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

BILL NO. Z-79-11-20 (AS AMENDED)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-42

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

9-9-80
DATE

CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 13, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-11-20; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 10, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS as PERFECTED: B-1-B, B-4 & M-1, for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

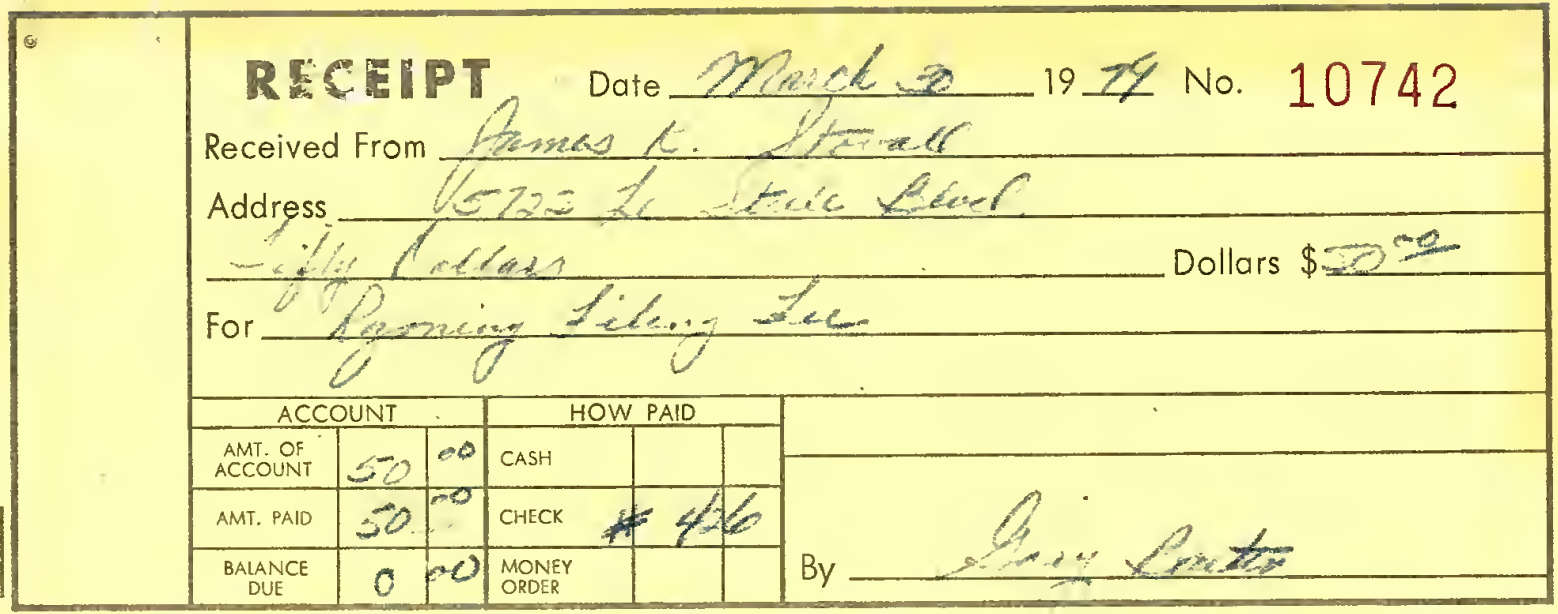
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 19, 1980.

Certified and signed this

Joyce Schlatter

Joyce Schlatter
Secretary



GrayLine BUSINESS FORM—PRODUCT OF WILSON JONES

RECEIPT Date March 30 19 79 No. 10742

Received From James K. Stovall

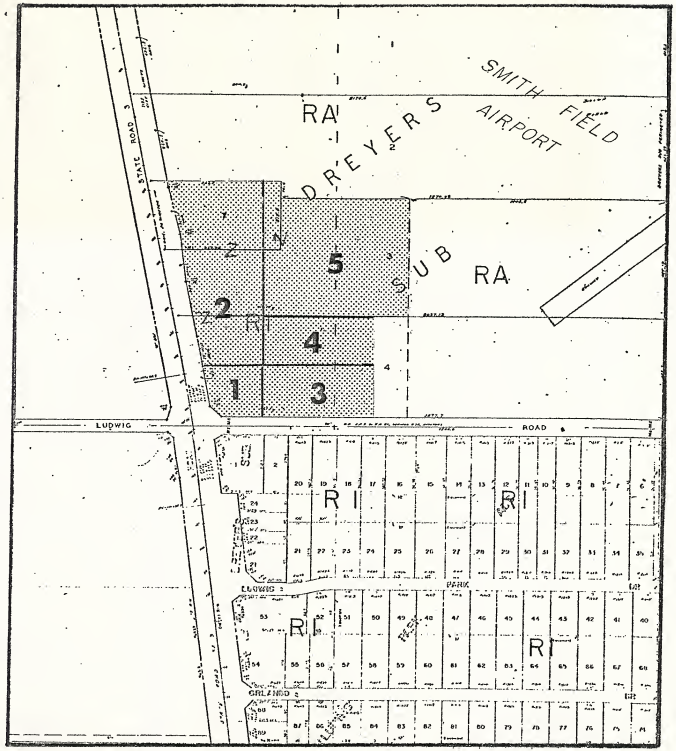
Address 5722 Le Steele Blvd

Fifty Dollars Dollars $50.00

For Rezoning Filing Fee

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT	50	00	CASH		
AMT. PAID	50	00	CHECK	# 426	
BALANCE DUE	0	00	MONEY ORDER		

By Gary Lanter



CHANGE FROM R1 TO MI

PERFECTED: Parcel #1 - R-1 to B-4; Parcel #2 - R-1 to B-4; Parcel #3 - R-1 to B-1-B; Parcel #4 - R-1 to B-4; Parcel #5 - R-1 to M-1

Map No. K42

N

Z-79-11-20

PREPARED BY R.K.

DATE 10-18-79

RESTRICTIVE COVENANT WHICH RUNS WITH THE LAND

James W. Stovall, 6826 Lima Road, Fort Wayne, Indiana 46808, contract purchaser and equitable owner, hereinafter referred to as "STOVALL", and Charles A. Merriman, 4225 Avondale Drive, Fort Wayne, Indiana 46806, legal owner and hereinafter referred to as "MERRIMAN", and R. W. KAIN, INC., a corporation organized and existing under the laws of the State of Indiana, hereinafter referred to as "KAIN", have an interest respectively, as equitable owner, legal owner, and Lessee in certain real estate located on the northeast corner of the intersection of the Ludwig Road and Lima Road, Allen County, Indiana, which real estate is hereinafter more accurately and adequately described in a metes and bounds description, create this covenant which runs with the land and which shall be spread of record in Allen County, Indiana, for the benefit of the Ludwig Park Association, Inc., a not-for-profit corporation existing under the laws of the State of Indiana, and for the City of Fort Wayne, Indiana:

A part of the Southeast Quarter of the Northeast Quarter of Section 15, Township 31 North, Range 12 East, Allen County, Indiana, or more particularly described as follows:

Commencing at the Northwest corner of lot 7 in Dreyer's Subdivision which is also the intersection of the North line of said lot 7 and the East Right of Way line of State Road 3; Thence Southerly along the East Right of Way line of State Road 3 as now established a distance of 971.7 feet more or less to a point 377.6 feet South of the Northwest corner of a tract of land shown on a Survey of John R. Donovon dated March 8, 1978; Thence South with a deflection angle to the left of 33-55' a distance of 57.37 feet; Thence with a deflection right of 50-24'-30" a distance of 37.9 feet to the centerline of Ludwig Road; Thence East on the centerline of Ludwig Road a distance of 669.2 feet; Thence North with a deflection angle to the left 90-43' a distance of 448.1 feet to a point on the South line of tract 3 Dreyer's subdivision; Thence Easterly on the South line of said tract 3 a distance of 149.3 feet to an iron pin; Thence North 00 minutes

East parallel to the East line of said tract 3 a distance of 492.3 feet to an iron pin on the North line of said tract 3; Thence North 89-10' west 512.2 feet to a point on the east line of tract 7, Dreyer's Subdivision; Thence Northerly on the said east line of said tract 7 a distance of 70.4 feet to the North line of said tract 7; Thence Westerly on the North line of said Tract 7 a distance of 529.9 feet more or less to the point of beginning. Subject to easements and right of ways.

1. INTENTION:

It is the desire and intention of STOVALL to subdivide the hereinabove described real estate in accordance to a certain land use proposal attached hereto, made a part hereof, and marked Exhibit "A".

2. BENEFICIAL RESTRICTIONS:

The following declaration is executed to effectuate the desire of STOVALL, MERRIMAN, and KAIN to impose on the real estate hereinabove described mutual beneficial restrictions under a general plan or scheme of improvement for the benefit of the Ludwig Park Association, Inc., and for the City of Fort Wayne.

3. USE RESTRICTION:

Parcel One: Parcel One shall be restricted to B-4 use as defined by the Zoning Ordinance of the City of Fort Wayne, subject to drive cuts as approved by the State of Indiana.

Parcel Two: Parcel Two shall be restricted to B-4 use as defined by the Zoning Ordinance of the City of Fort Wayne, subject to drive cuts as approved by the State of Indiana.

Parcel Three: Parcel Three shall be restricted to B-1-B use as defined by the Zoning Ordinance of the City of Fort Wayne, subject to construction of a deceleration lane as approved by the Traffic Engineering Department, City of Fort Wayne, which said approval, in letter form signed by Harvey M. Woodring, is attached hereto, made a part hereof, and marked Exhibit "B".

Parcel Four: Parcel Four shall be restricted to B-4-B use as defined by the Zoning Ordinance of the City of Fort Wayne; provided however, that no retail automobile sales functions will be permitted on this land. See the letter from the City of Fort Wayne attached hereto, made a part hereof, and marked Exhibit "B".

Parcel Five: Parcel Five shall be restricted to M-1 use; providing however, that wholesale warehousing functions only shall be allowed on this land; and provided further, that an area of 1.5 acres which said area is described on the land use proposal attached hereto and made a part hereof as Exhibit "A" and more accurately described in the Survey attached hereto, made a part hereof, and marked Exhibit "C" shall be used only as a construction company storage yard for R. W. KAIN, INC.

4. LANDSCAPE SCREENING AND FENCING:

Parcels One and Three shall be effectively and adequately screened by landscaping and shall occupy in depth, density, and dimension landscaping which exceeds the approximations shown on the land use proposal being made a part hereof and attached hereto as Exhibit "A". Parcel 5 shall be effectively and adequately screened by a six-feet high fence with visibility screen on the south and east sides thereof as shown on Exhibit "A" herein identified.

5. ACCESS ROAD:

The access road to Parcel Three and Parcel Four shall, upon completion, approximate the size and location shown on the land use proposal attached hereto, made a part hereof, and marked Exhibit "A".

6. INTEGRITY:

STOVALL, MERRIMAN, and KAIN hereby agree that all activity upon the land shall be undertaken with the goal of maintaining the residential integrity of the Ludwig Park area, and all activities and functions on the hereinabove described real estate undertaken shall be operated so that

the real estate in question is always maintained in a clean and sightly manner.

7. MERRIMAN RELEASE:

Upon STOVALL'S completion of all contract terms with MERRIMAN, and upon MERRIMAN'S conveying the hereinabove described real estate to STOVALL, in fee simple, MERRIMAN shall thence forth be forever released from any and all liability and obligations under this agreement.

8. SUCCESSORS:

Beneficial restrictions shall be binding upon the heirs, successors, and assigns of STOVALL, MERRIMAN, and KAIN and shall inure to the benefit of the successors and assigns of Ludwig Park Association, Inc.

9. DURATION:

This agreement shall run in perpetuity.

10. BINDING EFFECT:

The binding effect defined and created shall entitle the Ludwig Park Association, Inc., and/or the City of Fort Wayne to immediate injunctive relief pursuant to the terms of the statutes of the State of Indiana upon any violations by STOVALL, MERRIMAN, and KAIN or their successors and assigns of any of the beneficial restrictions herein contained.

IN WITNESS WHEREOF, the granting parties have hereunto set their hands and seals this 26 day of June, 1980.

JAMES W. STOVALL

CHARLES A. MERRIMAN

R. W. KAIN, INC.

By: President

ATTEST:

Secretary

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this 26 day of June, 1980, personally appeared JAMES W. STOVALL, and acknowledged the execution of the foregoing Restrictive Covenant Which Runs With the Land.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Ivan A. Lebamoff
Notary Public
Resident of Allen County,
Indiana

My Commission Expires:

July 29, 1981

Before me, the undersigned, a Notary Public in and for said County and State, this 26 day of June, 1980, personally appeared CHARLES A. MERRIMAN, and acknowledged the execution of the foregoing Restrictive Covenant Which Runs With the Land.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

Ivan A. Lebamoff
Notary Public
Resident of Allen County,
Indiana

My Commission Expires:

July 29, 1981

The undersigned persons executing this Restrictive Covenant Which Runs With the Land represent and certify on behalf of R. W. KAIN, INC., that each of the undersigned is a duly elected officer of R. W. KAIN, INC., and has been fully empowered by proper resolution, or the by-laws of R. W. KAIN, INC., to execute and deliver this Restrictive Covenant Which Runs With the Land; that R. W. KAIN, INC., is a corporation in good standing in the State of Indiana; that R. W. KAIN, INC., has full corporate capacity to enter into this Covenant described; and that all necessary corporate action for the making of this Covenant has been duly taken.

Before me, a Notary Public in and for said County and State, personally appeared JAMES W. STOVALL and LOUISE JANE STOVALL, the President and the Secretary, respectively of R. W. KAIN, INC., who acknowledged execution of the foregoing Restrictive Covenant Which Runs With the Land for and on behalf of said R. W. KAIN, INC., and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal, this 26 day of June, 1980.

Ivan A. Lebamoff
Notary Public
Resident of Allen County,
Indiana

My Commission Expires:

July 29, 1981

THIS INSTRUMENT PREPARED BY: Ivan A. Lebamoff
LEBAMOFF & ASSOCIATES
1416 Anthony Wayne Bank Building
Fort Wayne, IN 46802
Telephone: 219-423-2581

City of Fort Wayne

ENGINEERING DEPARTMENT

CITY–COUNTY BUILDING
ONE MAIN STREET

FORT WAYNE, INDIANA 46802

TO WHOM IT MAY CONCERN:

The proposed plans submitted by Mr. Mike Byerley of R. W. Kain, Inc. have been reviewed by Street Engineering, Right-of-Way Permit, and Traffic Engineering Departments. The proposed access location on Ludwig Road is acceptable, which is about 250 feet east of the east edge of the existing pavement of Lima Road. This is not to say the design geometrics have been determined at this time. This will be determined at a later date regarding deceleration, recovery, and passing lanes.

Harvey M. Woodring

Harvey M. Woodring
Land Acquisition Agent

HMW:ms

CC: G. Baeten
W. O'Brien
W. Stout

EXHIBIT "B"

Part of Tract #3 and Tract #7 in Dreyer's subdivision in the Northeast Quarter of section 15, Township 31 North, Range 12 East, Allen County, Indiana, described as follows:

Beginning at the Northeast corner of said Tract #7; thence South 00 degrees 16 minutes West (assumed bearing) on and along the East line of said Tract #7, 70.4 feet to the point of intersection of the North line of Tract #3 with the East line of Tract #7; thence South 89 degrees 10 minutes East on and along the North line of Tract #3, 125.0 feet; thence South 00 degrees 16 minutes West, 252.0 feet; thence North 89 degrees 10 minutes West, 245.0 feet; thence North 00 degrees 16 minutes East to a point on the North line of Tract #7 in Dreyer's subdivision, said point being 120.0 feet West of the Northeast corner of said Tract #7; thence East on and along the North line of Tract #7, 120.0 feet to the place of beginning containing 1.499 acres more or less.

Donald E. Shaw
May 27, 1980
Donald E. Shaw

EXHIBIT "C"

A part of the Southeast Quarter of the Northeast Quarter of section 15, Township 31 North, Range 12 East, Allen County, Indiana, or more particularly described as follows:

Commencing at the Northwest corner of lot 7 in Dreyer's Subdivision which is also the intersection of the North line of said lot 7 and the East Right of Way line of State Road 3; Thence Southerly along the East Right of Way line of State Road 3 as now established a distance of 971.7 feet more or less to a point 377.6 feet South of the Northwest corner of a tract of land shown on a Survey of John R. Donovon dated March 8, 1978; Thence South with a deflection angle to the left of 33 -55' a distance of 57.37 feet; Thence with a deflection right of 50 -24'-30" a distance of 37.9 feet to the centerline of Ludwig Road;;Thence East on the centerline of Ludwig Road a distance of 669.2 feet; Thence North with a deflection angle to the left 90 - 43' a distance of 448.1 feet to a point on the South line of tract 3 Dreyer's subdivision; Thence Easterly on the South line of said tract 3 a distance of 149.3 feet to an iron pin; Thence North 00 minutes East parallel to the East line of said tract 3 a distance of 492.3 feet to an iron pin on the North line of said tract 3; Thence North 89 -10'west 512.2 feet to a point on the east line of tract 7, Dreyer's Subdivision Thence Northerly on the said east line of said tract 7 a distance of 70.4 feet to the North line of said tract 7; Thence Westerly on the North line of said Tract 7 a distance of 529.9 feet more or less to the point of beginning. Subject to easements and right of ways.

PETITION FOR ZONING ORDINANCE AMENDMENT Receipt No. _____

Date Filed _____

Intended Use _____

I/We James W. Stovall
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R1 District to a/an M1 District the property described as follows:

See Attached Legal Description

(Legal Description) If additional space is needed, use reverse side.

Northeast corner State Rd 3 & Ludwig Rd.

SEE REVERSE SIDE

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address & Zip Code)	(Signature)
James W. Stovall (Contract Purchaser and Owner)	6826 Lima Road 46808	James W. Stovall
Charles A. Merriman (Owner)	4225 Avondale Drive 46806	Charles A. Merriman

(If additional space is needed, use reverse side)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for continuances or requests that ordinances be taken under advisement shall be filed, in writing, in the office of Community Development and Planning, by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for the meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance. (FILING FEE: $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip code)	(Telephone Number)
DAVID PETERS	1700 Lincoln Bank Tower Fort Wayne, Indiana 46802	(219) 423-4487

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning and Zoning (CITY PLAN COMMISSION) / Room # 830, City-County Building, One Main Street / Fort Wayne, Indiana 46802 (Phone: 423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

IC-38-IC-42

Legal Description of property to be rezoning

Part of the Southeast Quarter of the Northeast Quarter of Section 15, Township 31 North, Range 12 East, Allen County, Indiana, being part of Tract #3 of the plat of Dreyer's Subdivision in Washington Township, more particularly described as follows:

Beginning at a point on the South line of Tract #3 of the Plat of Dreyer's Subdivision in Washington Township said point being 1110.5 feet West of the Southeast corner of Tract #3. Thence West along the South line of Tract #3 a distance of 150 feet; Thence South a distance of 448.1 Feet; Thence West along the North right of way of Ludwig Road a distance of 669.2 feet; Thence Northwest at 38.7° a distance of 57.371 feet; Thence North along the East right of way line of State Road 3 a distance of 931.7 feet; Thence East a distance of 529.9 feet; Thence South a distance of 10.4 feet to a point on the North line of Trace #7; Thence East along the North line of Tract #7 a distance of 512.2 feet; Thence South a distance of 485.13 feet to the point of beginning, subject to road rights of way and easements.

Owners of Property

(Name)	(Address & Zip Code)	(Signature)

4693

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-79-11-20.

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE A parcel of land containing approximately 19 acres ± located south and west of Smith Field Airport, East of State Road #3 and North of Ludwig Road.

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential. Property will become M-1 - Light Industrial.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

30 July 1980

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held May 19, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. BILL NO. Z-79-11-20

2. From R-A to M-1

3. Intended Use: Not Given

4. Plan Commission Recommedation: DO PASS AS PERFECTED to M-1, B-1-B, & B-4

   (Attached to ordinance is site plan showing the zoning of the various parcels: Parcel #1, #2 & #4 are B-4; Parcel #3 is B-1-B; Parcel #5 is M-1.)

   This ordinance received a DO PASS recommendation with the following conditions:

   a. Receipt of the Restrictive Covenants agreed upon by the Ludwig Park Association and the petitioner. (These covenants are to by enforceable by the Ludwig Park Association and the Plan Commission and are to run with the land.)

   b. Traffic Engineering approval on access on Ludwig Road.

   c. The screening be installed as shown on the drawing dated April 14, 1980 and presented to the Commission on April 21, 1980.

The Restrictive Covenants have been filed with the Plan Commission and a copy is attached to the original ordinance as well as on file in the Plan Commission Office. A letter from Traffic Engineering concerning the access on Ludwig Road has been received and a copy is attached to the original ordinance and a copy is on file in the Plan Commission Office. The screening as specified is agreed to in the restrictive covenants.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten
Senior Planner

GFB:pb

Attachments

OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

Charles W. Westerman, Clerk -:- Room 122

Septemeber 12, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of September 17 and September 24, 1980, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Zoning Ordinance
Bill No. Z-79-11-20
(as amended)
Zoning Map Ordinance No. Z-22-80

Amending Chapter 17 of City Code
General Ordinance No. G-17-80
Bill No. G-80-08-27

Please send us 8 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 9th day of September, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-08-27 -- General Ordinance No. G-17-80, being AN ORDINANCE amending Schedules 3,4,5 & 7 Chapter 17 of the City Code.

Notice is hereby given that on the 9th day of September, 1980, the Common Council of the City of Fort Wayne, Indinaa, in Regular Session did pass the following Bill No. Z-79-11-20 (as amended) -- Zoning Map Ordinance No. Z-22-80, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-42

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-80-08-27 -- General Ordinance No. G-17-80 and Bill No. Z-79-11-20 (as amended) -- Zoning Map Ordinance No. Z-22-80, were passed by the Common Council of the 9th day of September, 1980, said Ordinances were signed and approved by the Mayor on the 12th day of September, 1980, and now remains on file and on record in my office.

Copies of Bill No. G-80-08-27 -- General Ordinance No. G-17-80 and Bill No. Z-79-11-20 (as amended) -- Zoning Map Ordinance No. Z-22-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

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Copies of Bill No. G-80-08-27 -- General Ordinance No. G-17-80 and Bill No. Z-70-11-20 (as amended) -- Zoning Map Ordinance No. Z-22-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana

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_____
Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fufilled and posted the above ordinances in the designated places as stated on September 17, 1980.

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City Clerk

OFFICE OF THE CITY CLERK

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Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines	
Head	number of lines	
Body	number of lines	67
Tail	number of lines	2
	Total number of lines in notice	69

COMPUTION OF CHARGES

69 lines, 1 columns wide equals 69 equivalent lines at .253¢ cents per line $ 17.46

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra 3.00

TOTAL AMOUNT OF CLAIM $ 20.46

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

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City Clerk

9—17-24

RE

account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Arvilla DeWald

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 9/17 - 9/24/80

Arvilla DeWald

Subscribed and sworn to before me this 24th day of September 19 80

Notary Public

My commission expires September 28, 1983

Form Prescribed by State Board of Accounts

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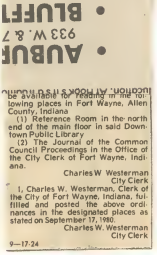
Date Sept.24, 19 80 — Title CLERK



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9—17 24

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FORT WAYNE, INDIANA

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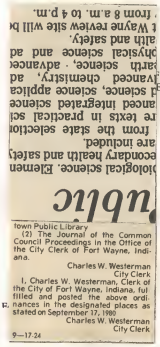

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